

DURHAM COUNTY COUNCIL

At a Meeting of **Highways Committee** held in The Dales Conference Room, Enterprise House, Harmire Enterprise Park, Barnard Castle, Co Durham DL12 8XT on **Friday 23 November 2018 at 11.30 am**

Present:

Councillor C Kay (Chairman)

Members of the Committee:

Councillors G Bleasdale, J Considine, A Gardner, K Hopper, S Hugill, K Liddell, S Morrison (Vice-Chairman), J Rowlandson, P Sexton, J Shuttleworth, J Turnbull and M Wilson

1 Apologies for Absence

Apologies for absence were received from Councillors D Bell, D Hicks, O Milburn, R Ormerod and A Simpson.

2 Substitute Members

There were no substitute Members.

3 Declarations of Interest

Councillor J Rowlandson declared an interest in the item of business under consideration relating to the creation of a new Bridleway and Public Footpath. He was a member of the Town Area Action Partnership which had funded works to the former railway line. The Member left the meeting during deliberations and took no part in the decision.

4 Public Footpaths No. 10 Barnard Castle Parish and No. 21 Marwood Parish and new Bridleway and Footpath Streatlam and Stainton, Marwood and Barnard Castle Parishes - Joint Report of Corporate Director of Regeneration and Local Services and Head of Legal and Democratic Services

The Committee considered a joint report of the Corporate Director of Regeneration and Local Services and the Head of Legal and Democratic Services regarding an application to divert Public Footpath No. 10 Barnard Castle and No. 21 Marwood, and a proposal to create a new Public Bridleway and a new Public Footpath (for copy see file of Minutes).

Members were informed by the Rights of Way Team Leader that the proposal to create a new Public Bridleway would connect the final section of the former Barnard Castle to Bishop Auckland railway line from Dent Gate Lane through to Strathmore Road. It would also create a new public footpath to connect the new Bridleway with Public Footpath No. 4 Streatlam and Stainton Parish.

An application to divert Public Footpath No. 10 and Public Footpath No. 21 Marwood had been made following discussions with the managers of Teesdale School who were concerned that the presence of a footpath between the school buildings created security and pupil safeguarding issues, and prevented the secure enclosure of the school grounds.

The Access and Rights of Way Team Leader explained that the Committee had undertaken a site visit prior to the meeting.

The Legal Framework was outlined to the Committee. For the information of the members of the public in attendance the Officer outlined the legal process for making a Diversion Order and Creation Order, should the Committee resolve that the Orders be made. Members of the public were concerned that that they were unable to make formal representation, and were advised that Orders must be published and the public would have an opportunity at that point to do so.

Objections to the proposals had been received from the Open Spaces Society, Barnard Castle Ramblers and Barnard Castle Town Council, which were included in the report. Jo Bird, Open Spaces Society who was also representing the Ramblers had advised that she was unable to attend the meeting and the Committee was asked to take into account the written representations of those groups.

Councillor Rowlandson addressed the Committee as a local Member and advised that he was in support of the proposals for a new Public Bridleway and Footpath which would create a circular route. With regard to the proposed diversion of Public Footpaths No. 10 and No. 21 he understood that this was an issue for local residents. The footpath along the A688 was narrow but was already used by children to walk to school and there was a wider footpath on the opposite side of the road. He considered the safety of pupils at Teesdale School to be important and was in support of enclosing the school for their security.

A statement from local Member Councillor R Bell was read out as follows: 'As a member of the AAP we have been trying to open up the railway line as an official footpath/bridleway for some time. It is well-used unofficially already. Closing the path through the school will, it is true, inconvenience some people but given the school's problems with dog fouling and security generally it is hard to argue against it'.

Town Councillor Harrison spoke on behalf of Barnard Castle Town Council which objected to the proposal to divert Public Footpaths No.10 and No. 21. The Town Council considered that the proposals should be discussed at a public meeting to allow the public to give their views, but was satisfied that this Committee meeting satisfied that request. The Town Council was of the view that proposals failed the statutory tests under Section 119 of the Highways Act 1980, in that the route would be substantially less convenient to the public and would be a significant diversion from the existing path. Whilst he appreciated that the interests of the landowner were a consideration, the proposals would have a detrimental effect on the enjoyment of the public of the path as a whole.

Dr Gorch, Deputy CEO North East Learning Trust and Executive Headteacher addressed the Committee on behalf of Teesdale School. All staff were concerned about the safety of pupils using the footpath which cut through the school grounds and left them

open to danger. If it was not for the vigilance of staff, the procedures the school had in place and the assistance of the police, these dangers may not be averted. The whole school must be enclosed. Dr Gorchach referred to concerns from pupils who had said that they felt anxious, unsafe and that they were being watched. A Senior HMI Inspector had undertaken a safeguarding review on 11 November 2018 which identified the footpath as being a risk and left the school vulnerable to incidents. Managers and the Trust were rightly exploring enclosure of the school. Access to the fields had been prevented during the summer leave to prevent a real risk of danger. The school was built 60 years ago at which time it would have been fit for purpose but this was not the case now. The grounds remained a constant worry and enclosing the school was a significant factor in contributing to the safety of pupils.

Mr Crosby, Estates Manager for the North East Learning Trust referred to the impact of the proposals on access to the Leisure Centre. Proposals to secure the school site by fencing would close the step-off access to the Centre, which is not part of the public footpath, and would divert users further along the route to access the building, and he made the point that the closure of the current step-off to the Leisure Centre would move walkers further down the Public Right of Way even if the Order was not confirmed.

At this point Councillor Rowlandson left the meeting.

The Access and Rights of Way Team Leader responded to the concerns raised about access to the Leisure Centre, and advised that in preliminary discussions with Mr Crosby, the potential for the current route to be made available to the public on a permissive basis out of school hours had been considered. This would allow the public to use the shortest route to the Leisure Centre, with permissive access at the school's discretion.

Members discussed the proposals. Councillor Sexton stated that the footpath alongside the A688 was of concern. Although he accepted that children already used the path to walk to school from Stainton, he was concerned about the safety of older or less-abled people. He was sorry that the school was experiencing problems and understood the need for security but noted that no evidence had been submitted to support that incidents had occurred. The proposed route was not only inconvenient but dangerous. The Member questioned if security was an issue for the school when the gates had been open that morning on their visit.

Councillor Shuttleworth also expressed concern about the safety of the footpath alongside the A688 which he considered was an accident waiting to happen. He understood the need for security measures in City Centre schools but would not expect it to be an issue in this location.

Mr Anderson, Highways Officer advised that a Highways Inspector had made regular visits to the location at different times of the day to establish usage of the footpath. This type of footpath was not unusual across the County. It was not a heavily trafficked path and he would not expect footfall to increase to such an extent that it would be deemed unsafe. There was also a wider footpath on the other side of the road.

Councillor Gardner also expressed his concerns about the footpath. The path was narrow and would not be suitable for use by double-buggies for example. He had also seen on the site visit that cars moved over towards the opposite lane to avoid pedestrians, which was

dangerous. The Councillor had also noted on the visit that the main gate was open and therefore asked if security was the main reason for the application. The Member considered that the access from The Hub was no worse than the access around the other side of the site. The difficulty was the length of the route from the school gate to the Leisure Centre; he questioned if the public would want this route cut off during the school year. He concluded that he was in support of the new Bridleway and Public Footpath but could not support the proposed diversion.

Councillor Hopper asked if the Governing Body of the school had on record the security issues and if provision had been made in the School's Management Plan.

Dr Gorchach responded that the security of the school was constantly under review. She confirmed that incidents were recorded and the police kept informed.

Councillor Turnbull asked if there was a stipulated width for a footpath. Mr Anderson explained that the minimum width was 1m, the standard width being 1.8m. If this footway was located in Galgate, the busier part of the town where footfall was higher, it would not be considered safe, but given the location and the availability of a footway on the opposite side, the footway width was deemed to be acceptable.

At this point, the Chairman invited a member of the public to speak, who had indicated that he wished to do so at the start of the meeting. The member of the public stated that the Councillors had addressed his concerns and he had nothing further to ask.

Councillor Shuttleworth moved that the Creation Order for a new Bridleway and new Public footpath as outlined in the report be made, but that the proposed diversion of Public Footpaths No. 10 Barnard Castle and No. 21 Marwood be refused. This was seconded by Councillor Gardner.

Upon a vote being taken it was **Resolved:**

That

- a) the making of a Diversion and Definitive Map and Statement Modification Order under Section 119 of the Highways Act 1980 for Public Footpaths Nos. 10 Barnard Castle and 21 Marwood be refused on the grounds that the proposals did not meet the statutory criteria set out in the Act. The diversion route was substantially less convenient for the public and would have a negative impact upon the public's enjoyment of the path as a whole. In addition the section of the diversion route alongside the A688 was unsafe for footpath users.
- b) The making of a Creation and Definitive Map Modification Order under the provisions of Section 26 of the Highways Act 1980 for Public Bridleways Nos. 34 Marwood, 13 Streatlam and Stainton and 18 Barnard Castle, and Public Footpath No. 4a Streatlam and Stainton, be agreed. The Order shall subsequently be either confirmed or referred to the Secretary of State for determination.

5 Any Other Business

Barnard Castle HGV Action Group

The Chairman invited Mr P Hunt of Barnard Castle HGV Action Group to address the Committee to highlight problems caused by HGVs travelling through the centre of the town. Mr Hunt advised that the Group was set up 2-3 years ago to consider solutions to problems of damage, traffic noise, pollution and gridlock caused by HGVs travelling through the town centre and market place, the only route between the town and the A66.

The Group's objectives included a relief road with weight limit in the town centre which had been included in the County Durham Plan, however this was a long-term solution, and short term measures were being explored. The Group hoped that a permit scheme could be introduced in the town on a trial basis and were in discussions with Durham County Council on this, but also requested that the stop line at the traffic lights at Abbey Bridge be moved back 5m to help HGVs negotiate this single lane bridge more easily. This was a measure that could be implemented quickly.

Resolved:

That the information be received.